

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(116)

CWP-3447-2019

Date of Decision: February 07, 2019

Prem Kumar Bhatia

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Alka Chatrath, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that the similarly situated persons have already been granted relief in view of the order passed by this Court in CWP No.1885 of 2011 decided on 11.05.2016 (Annexure P-10).

Learned counsel for the petitioner has also placed on record the order passed by the respondents dated 20.12.2018 (Annexure P-15) by which the benefit has been extended to the similarly situated persons namely the petitioner in CWP No.1885 of 2011.

Learned counsel for the petitioner argues that once the petitioner is similarly situated to the employees who have been granted the benefit, therefore he is entitled for the same benefit but the same has not been extended on the ground that there is no order in his favour by the competent Court of law giving him the benefits.

Learned counsel for the petitioner states that the said action of the respondents is bad as the State is bound to extend the benefit to all the similarly situated personnel once the order passed by the competent Court of law attains finality.

Learned counsel for the petitioner states that for the relief which has been claimed in the present writ petition, the petitioner has served the respondents with a legal notice dated 26.09.2018 (Annexure P-14) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice dated 26.09.2018 (Annexure P-14) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 26.09.2018 (Annexure P-14), the present writ petition is disposed of with a direction to the respondents to decide the legal notice dated 26.09.2018 (Annexure P-14) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

February 07, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No